IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 600 of 1996

Between:

1 S. Nayaz Basha S/o. S.K. Mahaboob Basha
R/o Rayachoty Town, Kadapa District.
2 S. Rahat Basha S/o Sathar
R/o Rayachoty Town, Kadapa District.
3 P. Venkata Ramana S/o Ramaiah
R/o Rayachoty Town, Kadapa District.
4 S. Rama Raju S/o Ganga Raju
R/o Rayachoty Town, Kadapa District.
5 B. Vijayabhaskar S/o Ramiah
R/o Rayachoty Town, Kadapa District.
6 M. Mastan S/o Siddu Khan
R/o Rayachoty Town, Kadapa District.
7 Chinnaiah S/o Kondaiah
R/o Rayachoty Town, Kadapa District.
8 M. Nagaiah S/o Ramulu
R/o Rayachoty Town, Kadapa District.
9 K. Ramamohan s/o Venkataswamy
R/o Rayachoty, Kadapa District.
10 K. Jaganmohan Reddy S/o Subba Reddy
R/o Galivildi, Rayachoty, Kadapa District.
11 M. Ramadasu S/o Venkatesu
R/o Rayachoty, Kadapa District.

..... PETITIONERS

AND

1 The Rayachoty Rural Electricity Supply Co.Operative Society Ltd (RESCO),
Rep. by its Managing Director, Rayachoty, Sanjeevanagar colony,
Rayachoty, Kadapa Dist.
2 The Managing Director, RESCO,

Rayachoty, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other writ or direction, declaring the memo of the respondent No.2 issued in RC.No.62/RESCO/ADM-ALM-95, dated 4-11-1995 as illegal and void and consequently direct the respondents to regularise the service of the petitioner in the posts of Helpers.

Counsel for the Petitioners:MR.C.V.NAGARJUNA REDDY

Counsel for the Respondents: MR.B.VISWANATHA REDDY

The Court made the following :

ORDER:

Petitioners claim to be working as casual labour in the Rayachoti Rural Electricity Supply Co-operative Society Ltd (RESCO), but allege that they are being treated as contract labour so as to deny them the benefits of the provisions of the Industrial Disputes Act, 1947 (for short the Act) and to pre-empt their efforts to seek regularization. They claim to have been discontinued from engagement as contract labour on account of the order of the 2nd respondent dated 4-11-1995. They accordingly challenged this order of the 2nd respondent.

2. The order of the 2nd respondent is an instructions memo issued to

the Additional Divisional Engineers of the 1st respondent Co-operative Society and it reads as under:

"In the reference third read above,the Additional Registrar of C-op societies, Hyderabad has instructed not to engage anykind of casual labour in view of financial position of the Institution. In the reference second cited alreadyinstruction has been issued not to engage anykind Casual labour and Contract Labourers without prior approval of the Managing Directors. The proceedings in the reference 1st read above is hereby cancelled.

Hence all the Assistant Divisional Engineers are therefore requested to keep in mind the D.O. letter of the Additional Registrar (enclosed with this letter) for immediate necessary action. Any deviation in this regard is liable for prosecution under Section 2/95 of Co-operative Act."

3. Petitioners contend that their "retrenchment from service" is contrary to the provisions of Section 25-F of the Act. They claim to have worked for more than three years with the 1st respondent and allege that their discontinuance from service was not preceded by any notice or payment of wages in lieu of the notice as required under section 25-F of the Act. They also contend that the conduct of the respondents in discontinuing them is violative of Articles 14 and 19(1)(g) of the Constitution of India.

4. The Rayachoti Rural Electricity Supply Co-operative Society Limited is neither pleaded, urged nor demonstrated to be a 'State' within the meaning of Article 12 of the Constitution of India. Even if it be State, the service disputes between the petitioners and the 1st respondent co-operative Society as urged herein, could not be considered under Article 226 of the Constitution of India. The petitioners have an effective, alternative and efficacious remedy available in respect of any grievances, under the Act or before the Civil Court of competent jurisdiction or under the A.P. Shops and Establishments Act, as the case may be. No Statutory obligation of the 2nd respondent owed by the 1st respondent is established to have been violated by the 1st respondent. The petitioners have also not furnished any dates from which and during which period they had worked as casual labour or contract labour, as the case may be, to

identify the rights, if any, that are were entitled to.

5. For the above reasons, the writ petition is without merits and is accordingly dismissed. No costs.

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17-08-2004

sh/mrk

To

1 The Managing Director, Rayachoty Rural Electricity Supply Co.Operative Society Ltd (RESCO), Rayachoty, Sanjeevanagar colony,
Rayachoty, Kadapa Dist.
2 The Managing Director, RESCO,
Rayachoty, Kadapa District.

3. Two C.D copies.

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.600 OF 1996

Dated : 17-08-2004